

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CHUN KIM, ADMINISTRATRIX OF THE
ESTATE OF PYONG TOK LEE,
DECEASED,

Plaintiff,

v.

Civil Action No.

NEELKUMAR PATEL AND KK CARRIERS
SERVICES, LLC,

Defendants.

NOTICE OF REMOVAL

Defendants Neelkumar Patel (“Mr. Patel”) and KK Carriers Services, LLC (“KK Carriers”), by counsel, pursuant to 28 U.S.C. Sections 1441 and 1446, files this Notice of Removal to remove this action from the Circuit Court for the City of Chesapeake, Commonwealth of Virginia, captioned *Chun Kim, Administratrix of the Estate of Pyong Tok Lee, Deceased v. Neelkumar Patel and KK Carriers Services, LLC*, Case No. CL22001548-00. In support of thereof, Mr. Patel and KK Carriers state as follows.

TIMELINESS OF REMOVAL

1. On March 17, 2022, Plaintiff Chun Kim, Administratrix of the Estate of Pyong Tok Lee, Deceased filed a Complaint in the Circuit Court for the City of Chesapeake captioned *Chun Kim, Administratrix of the Estate of Pyong Tok Lee, Deceased v. Neelkumar Patel and KK Carriers Services, LLC*, Case No. CL22001548-00. A copy of the Complaint is attached as **Exhibit A**.

2. Mr. Patel and KK Carriers were served the Summons and Complaint on April 5, 2022.

3. Mr. Patel and KK Carriers filed this Notice of Removal within thirty (30) days after service of the Summons and Complaint on Mr. Patel and KK Carriers. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

4. Mr. Patel and KK Carriers have attached a copy of all processes, pleadings, orders, and other documents on file with the Circuit Court for the City of Chesapeake, Commonwealth of Virginia.

GROUND OF REMOVAL

5. Mr. Patel and KK Carriers submit to this Court that it has original jurisdiction and they invoke the diversity jurisdiction of this Court as provided in 28 U.S.C. § 1332.

6. Specifically, Plaintiff is allegedly a resident of the Commonwealth of Virginia.

7. Mr. Patel is a resident of the state of Georgia.

8. KK Carriers is organized under the laws of the state of Georgia and has its principal place of business in the state of Georgia.

9. Plaintiff seeks to recover against Mr. Patel and KK Carriers for injuries allegedly sustained in a motor vehicle accident. The Complaint seeks \$2,500,000.00 in compensatory damages.

10. This Court has removal jurisdiction over this matter pursuant to 28 U.S.C. § 1332 as there is complete diversity of citizenship between the Plaintiff and the Defendants, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

11. Since this Court has diversity jurisdiction over this matter, it also has jurisdiction over any remaining claims contained in Plaintiff's Complaint under 28 U.S.C. § 1441(c) and/or under the doctrine of supplemental jurisdiction, 28 U.S.C. § 1367.

NOTICE OF REMOVAL TO STATE COURT AND TO ADVERSE PARTIES

12. Written notice of the filing of his Notice of Removal will promptly be served on all parties as required by 28 U.S.C. § 1446(d).

13. Mr. Patel and KK Carriers will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court for the Circuit of Chesapeake as required by 28 U.S.C. § 1446(d).

VENUE

14. Venue for this action in the United States District Court for the Eastern District of Virginia, Norfolk Division, is proper, as this is the district and division in which the state court action is pending. *See* 28 U.S.C. §§ 1446(a) and 1454(a)

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Neelkumar Patel and KK Carriers Services, LLC, by counsel, respectfully request that this civil action be removed from the Circuit Court for the City of Chesapeake, Virginia to the United States District Court for the Eastern District of Virginia, Norfolk Division.

**NEELKUMAR PATEL AND KK
CARRIERS SERVICES, LLC**

By Counsel

/s/ _____
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CERTIFICATE

I hereby certify that on the 22nd day of April, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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